

1-1 By: Kuempel (Senate Sponsor - Deuell) H.B. No. 1818  
1-2 (In the Senate - Received from the House April 22, 2013;  
1-3 April 24, 2013, read first time and referred to Committee on  
1-4 Agriculture, Rural Affairs, and Homeland Security; May 3, 2013,  
1-5 reported adversely, with favorable Committee Substitute by the  
1-6 following vote: Yeas 5, Nays 0; May 3, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Estes	X		
1-10	Uresti	X		
1-11	Hegar	X		
1-12	Hinojosa	X		
1-13	Schwertner	X		

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 1818 By: Estes

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the disposition of confiscated game, animal parts, and  
1-18 animal products.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 12.109(b) and (d), Parks and Wildlife  
1-21 Code, are amended to read as follows:

1-22 (b) The confiscated aquatic products shall be sold to the  
1-23 highest of three bidders. The proceeds of the sale shall be  
1-24 deposited in the state treasury to the credit of the appropriate  
1-25 suspense fund [account No. 900] pending the outcome of the action  
1-26 taken against the person charged with illegal possession. The  
1-27 officer shall give to the person a receipt for all aquatic products  
1-28 seized upon the sale of the aquatic products. If bids cannot be  
1-29 obtained, the department, if practicable, shall donate the aquatic  
1-30 products to a charitable institution, hospital, or other person.  
1-31 To the extent practicable, Subtitle A, Title 6, Health and Safety  
1-32 Code, applies to an aquatic product sold under this subsection that  
1-33 is intended for sale and use as human food.

1-34 (d) If [Unless] the person is found guilty, pleads guilty or  
1-35 nolo contendere, [or] is placed on deferred adjudication, or fails  
1-36 to appear in accordance with a notice described by Section 12.106 or  
1-37 another law requiring that, as a condition of release, the  
1-38 defendant subsequently appear before a court to answer for the  
1-39 offense, all the proceeds shall be transferred to the credit of the  
1-40 game, fish, and water safety account. If the person is acquitted by  
1-41 the trial court, the charges against the person are dismissed, or  
1-42 the statute of limitations period for the prosecution of the  
1-43 offense has expired, the department shall pay the proceeds of the  
1-44 sale to the person from whom [paid to the owner of] the aquatic  
1-45 products were seized.

1-46 SECTION 2. Section 12.110(d), Parks and Wildlife Code, is  
1-47 amended to read as follows:

1-48 (d) The department may sell confiscated live game described  
1-49 by Subsection (a) to the highest of three bidders. At the time of a  
1-50 sale under this subsection, the department shall provide the buyer  
1-51 a receipt for all game sold to the buyer. The department shall  
1-52 deposit the proceeds of the sale in the state treasury to the credit  
1-53 of the appropriate suspense fund [account 900] pending the outcome  
1-54 of any action against the person charged with an unlawful action  
1-55 described by Subsection (a). If that person is found guilty, pleads  
1-56 guilty or nolo contendere, [or] is placed on deferred adjudication,  
1-57 or fails to appear in accordance with a notice described by Section  
1-58 12.106 or another law requiring that, as a condition of release, the  
1-59 defendant subsequently appear before a court to answer for the  
1-60 offense, the department shall transfer [deposit] the proceeds of

the sale to the credit of ~~[into]~~ the game, fish, and water safety account. If the person is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired ~~[found not guilty]~~, the department shall pay the proceeds of the sale to the person from whom the game was seized.

SECTION 3. Section 12.1101, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.1101. SEIZURE AND DISPOSAL OF CERTAIN ANIMALS' PELTS AND CARCASSES. (a) A game warden or authorized employee of the department may seize a ~~[the pelt of any]~~ fur-bearing animal, pelt, or carcass taken or possessed in violation of a provision of this code or a lawful regulation of the commission. ~~[If an alleged violator is charged with a violation of a provision of this code or of a regulation of the commission in connection with the pelt seized, the warden or employee shall hold the pelt as evidence. On conviction of the alleged violator or on his plea of nolo contendere, the pelts may be sold to the highest bidder after taking the minimum of three written bids by the department. If the alleged violator is not guilty of the offense or if the charge is dismissed the pelts shall be returned to their lawful owner.]~~

(b) The department may sell a confiscated fur-bearing animal, pelt, or carcass to the highest of three bidders. At the time of a sale under this subsection, the department shall provide the buyer a receipt for all fur-bearing animals, pelts, or carcasses sold to the buyer. The department shall deposit the proceeds of the sale in the state treasury to the credit of the appropriate suspense fund pending the outcome of any action against the person charged with an unlawful action described by Subsection (a). If that person is found guilty, pleads guilty or nolo contendere, is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense, the department shall transfer the proceeds of the sale to the credit of the game, fish, and water safety account. If the person is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired, the department shall pay the proceeds of the sale to the person from whom the items were seized.

(c) A game warden or authorized employee of the department acting under the authority of this section is immune from liability and from suit for the seizure of items under this section ~~[pelts]~~.

(d) To the extent practicable, Subtitle A, Title 6, Health and Safety Code, applies to an animal or animal part sold under this section that is intended for sale and use as human food.

SECTION 4. Section 65.009, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) If a person from whom an item described by Subsection (a) was seized is found guilty, pleads guilty or nolo contendere, is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense ~~[On conviction of a violation, on a plea of nolo contendere, or on assessment of deferred adjudication in connection with an alligator, alligator hide, alligator egg, or alligator part seized under this section]~~, the department shall transfer the proceeds of the sale from the suspense fund to the credit of the game, fish, and water safety account ~~[fund]~~. If the person is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired, the department shall pay the proceeds of the sale to the person from whom the items were seized.

(e) To the extent practicable, Subtitle A, Title 6, Health and Safety Code, applies to an animal or animal part sold under this section that is intended for sale and use as human food.

SECTION 5. Section 65.009(c), Parks and Wildlife Code, is

3-1 repealed.

3-2 SECTION 6. (a) The changes in law made by this Act apply  
3-3 only to items seized by the Parks and Wildlife Department on or  
3-4 after the effective date of this Act. Items seized before the  
3-5 effective date of this Act are covered by the law in effect on the  
3-6 date of the seizure, and the former law is continued in effect for  
3-7 that purpose.

3-8 (b) The changes in law made by this Act apply to funds under  
3-9 the control of the Parks and Wildlife Department on and after the  
3-10 effective date of this Act acquired by the sale of seized items  
3-11 under Sections 12.109, 12.110, 12.1101, and 65.009, Parks and  
3-12 Wildlife Code, regardless of whether those items were seized  
3-13 before, on, or after the effective date of this Act.

3-14 SECTION 7. This Act takes effect September 1, 2013.

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